

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

**H-D U.S.A., LLC and HARLEY-
DAVIDSON MOTOR COMPANY
GROUP, LLC,**

Case No. 2:17-cv-0071

Plaintiffs,

vs.

**SUNFROG, LLC d/b/a SUNFROG
SHIRTS and JOHN DOES,**

Defendants.




DECLARATION OF JENNIFER DOPKE

I, Jennifer Dopke, declare as follows:

1. I am a Brand Protection Lead for North America for Plaintiff Harley-Davidson Motor Company Group, LLC, which is licensed to use trademarks owned by Plaintiff H-D U.S.A., LLC (collectively, “H-D”). I have been in this position since June 2014. Before I was promoted to that position, I was the Associate Trademark Enforcement Coordinator since 2009. In both positions, I have worked on intellectual property matters, including conducting investigations regarding unauthorized use of H-D’s trademarks online and offline, and handling and submitting takedown complaints to online retailers and sending cease-and-desist letters, among other things.

2. The facts set forth in this Declaration are based on my personal knowledge and/or on documents maintained by Plaintiffs in the ordinary course of its business.

3. Part of my role as Brand Protection Lead is to locate infringements of H-D's trademarks and counterfeit goods bearing H-D's trademarks, and to investigate infringements that are brought to my attention by others. H-D's trademarks include the HARLEY-DAVIDSON, HARLEY, H-D, HD, FAT BOY, and SPORTSTER word marks; and its Bar & Shield Logo, Willie G. Skull Logo, and Number 1 Logo trademarks shown below (collectively, the "H-D Marks"). I frequently monitor a number of online websites as part of my enforcement efforts regarding the H-D Marks.

The "Bar & Shield Logo"	The "Willie G. Skull Logo"	The "Number 1 Logo"
		

4. SunFrog, LLC d/b/a SunFrog Shirts ("SunFrog") operates a website accessible via the domain names SUNFROG.COM and SUNFROGSHIRTS.COM ("SunFrog's Website") on which SunFrog markets, promotes, advertises, and sells apparel, mugs, and other products, including a large number of such products bearing one or more of the H-D Marks (collectively, "Infringing Products").

5. From October 2016 through February 2017, I submitted takedown complaints to SunFrog that (a) notified SunFrog of H-D's rights in most of the H-D Marks, and (b) reported and objected to numerous Infringing Products offered on SunFrog's Website. I submitted the takedown complaints online using SunFrog's "Report a Violation" form on SunFrog's Website located at the URL <https://www.sunfrog.com/Legal/report.cfm>. True and correct copies of

screen shots of SunFrog's "Report a Violation" blank form is attached as Exhibit 1. During this time period, I submitted at least 50 complaints covering more than 270 Infringing Products.

6. In response to many takedown complaint referenced in Paragraph 5 above, I received two e-mails from SunFrog. The first e-mail had the subject line "Infringement Claim Confirmation," and confirmed SunFrog's receipt of the submitted infringement claim. The second e-mail from SunFrog had the subject line "Infringement Claim Acted Upon" and stated: "Please note that the claim you have submitted to SunFrog through the infringement notification form has been acted upon. The design has been deactivated and should no longer be found on the SunFrog platform." The "Infringement Claim Acted Upon" e-mail also listed SunFrog's URL for the Infringing Product on SunFrog's Website. True and correct copies of representative examples of "Infringement Claim Confirmation" and "Infringement Claim Acted Upon" e-mails that I received from SunFrog are attached as Exhibit 2.

7. Attached as Exhibit 3 is a true and correct copy of a chart listing representative examples of SunFrog's URLs for Infringing Products that were the subject of the above takedown complaints that I submitted to SunFrog and the date on which I received SunFrog's "Infringement Claim Acted Upon" e-mails for such Infringing Products. Based on my dealing with SunFrog, it typically took SunFrog 2-3 days to send me a "Infringement Claim Acted Upon" e-mail after I submitted the takedown complaint, and in some cases it took up to 7 days.

8. As shown in Exhibit 3, I submitted a takedown complaint in October 2016 regarding the Infringing Product identified by SunFrog's SKU 159675044 that was sold on SunFrog's Website at the URL <https://www.sunfrog.com/LifeStyle/HARLEY-DAVIDSON-159675044-Black-Guys.html>. In another example, in January 2017, I submitted a takedown

complaint regarding the Infringing Product that was sold on SunFrog's Website at the URL <https://www.sunfrog.com/LifeStyle/Harley-Davidson-Biker-Brown-Guys.html>.

9. SunFrog continues to this day to advertise, offer, and sell numerous Infringing Products bearing the H-D Marks on SunFrog's Website.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Dated: May 24, 2017

By: Jennifer Dopke
Jennifer Dopke

Exhibit Index for Declaration of Jennifer Dopke

- 1 - True and correct copy of a printout of SunFrog's "Report a Violation" blank form
- 2 - True and correct copies of representative examples of "Infringement Claim Confirmation" and "Infringement Claim Acted Upon" e-mails that I received from SunFrog
- 3 - True and correct copy of a chart listing representative examples of SunFrog's URLs for Infringing Products that were the subject of takedown complaints submitted to SunFrog and the date of SunFrog's "Infringement Claim Acted Upon" e-mails for such Infringing Products